

**ZB# 96-17**

**Michael & JoAnn Burns**

**80-2-7**

#96-17-Burns, Michael area - 80-2-7

Specim.

Apr. 8, 1996.

Copy of ① ~~Specimen~~  
Copy of ② ~~Specimen~~

~~Photos here.~~  
Let's out 4/14/96. Title report  
Notice to paper - 4/15/96. Ver.

Public Hearing.

May 13, 1996.

Area

Variance

Granted

Refund: \$207.50

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

15443

April 15 1996

Received of Joanne Burns

\$ 50.00

fifty 00/100

DOLLARS

For ZBA #96-17

## DISTRIBUTION.

FUND	CODE	AMOUNT
Cr # 480		50.00

By Dorothy H. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO.



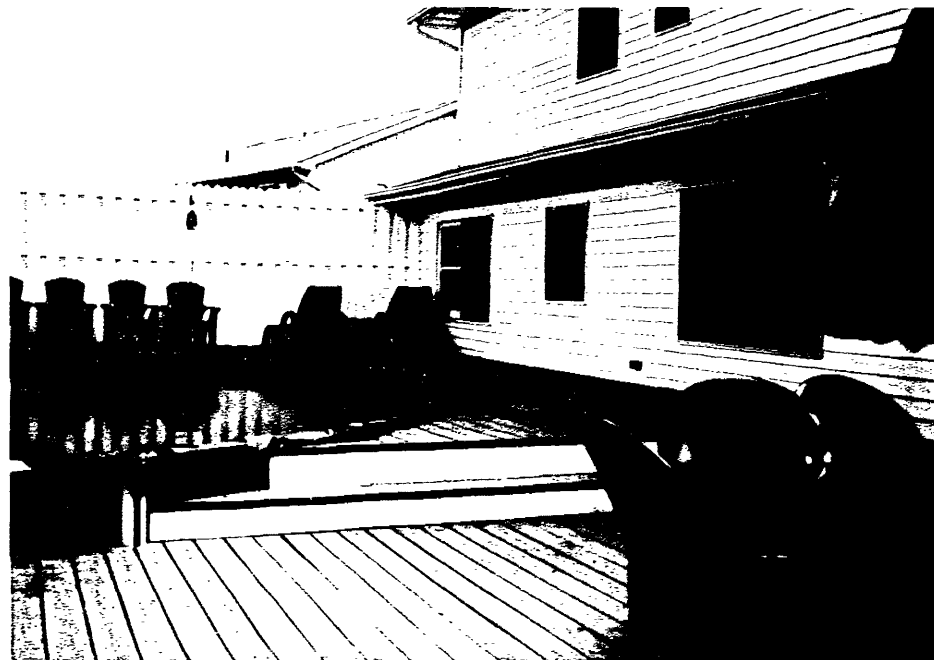
6a  
t.  
LIVINGSTON, BRUCE  
#46a  
Water Dept.  
Grievances, etc.

CR # 480		50.00

© WILLIAMSON LAW BOOK CO.

Town Clerk

Title



#46a  
LIVINGSTON, BRUCE  
Grievances, etc.  
#46a  
WATER DEPT.  
MURPHY, PETER

10-10-15-PR-1

#96-17 - Burns, Michael Ave - 80-2-1



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Burns, Michael

FILE # 96-17.

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 4/8/96 - 2 pages . . . \$ 9.00  
2ND PRELIM. MEETING - PER PAGE 5/13/96 - 3 pages . . . \$ 13.50  
3RD PRELIM. MEETING - PER PAGE . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE . . . . . \$ \_\_\_\_\_

TOTAL . . . . . \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: . . . 4/8/96 . . . . . \$ 35.00  
2ND PRELIM. . . . . 5/13/96 . . . . . \$ 35.00  
3RD PRELIM. . . . . \$ \_\_\_\_\_  
PUBLIC HEARING . . . . . \$ \_\_\_\_\_  
PUBLIC HEARING . . . . . \$ \_\_\_\_\_

TOTAL . . . . . \$ 70.00

MISC. CHARGES:

TOTAL . . . . . \$ 92.50

LESS ESCROW DEPOSIT . . . \$ 300.00  
(ADDL. CHARGES DUE) . . . \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . . . \$ 207.50

(ZBA DISK#7-012192.FEE)

JOANNE BURNS  
104 CREAMERY DR.  
NEW WINDSOR, NY 12553

480

28-7003/2213  
24

April 15, 1996

PAY TO THE  
ORDER OF

Town of New Windsor  
Fifty and 00/100

\$ 50.00

DOLLARS



ALBANK

Route 32 & Old Temple Hill Road  
Vails Gate, NY 12584

FOR

Application fee 28A #96-17  
Joanne Burns

⑆22⑆370030⑆

24 ⑆2630 2⑆ 0480

Guardian® Safety Green WGN

JOANNE BURNS  
104 CREAMERY DR.  
NEW WINDSOR, NY 12553

481

28-7003/2213  
24

April 15, 1996

PAY TO THE  
ORDER OF

Town of New Windsor  
Three Hundred and 00/100

\$ 300.00

DOLLARS



ALBANK

Route 32 & Old Temple Hill Road  
Vails Gate, NY 12584

FOR

Escrow 28A #96-17  
Joanne Burns

⑆22⑆370030⑆

24 ⑆2630 2⑆ 0481

Guardian® Safety Green WGN

Date 2/29, 1976

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

**TO**

Joanne Burns

DR.

164 Creamery Drive, New Windsor, Ny 12553

Charge: ZBA

[illegible]



-----x  
In the Matter of the Application of

MICHAEL BURNS and JOANN BURNS

DECISION GRANTING  
AREA VARIANCE#96-17.  
  
-----x

WHEREAS, MICHAEL BURNS and JOANN BURNS, 104 Creamery Drive, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 1 ft. 6 in. side yard variance for existing pool deck located at the above address in a CL-1 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 1996, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicants appeared before the Board for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject property consists of a one-family home located in a neighborhood of one-family homes.

(b) The home has a pool deck and pool already constructed but they are too close to the side yard property line.

(c) There are a number of other homes in the neighborhood with similar types of decks and pools.

(d) The deck and pool have existed for some time and no complaints have been received by the Town or the Applicants.

(e) The deck and pool as constructed do not interfere with any ground or surface water or course of drainage.

(f) The deck and pool as constructed are not constructed on top of nor do they interfere with any sewer or septic systems.

(g) The pool and deck have been in existence for a year.

(h) The only vegetation disturbed in the construction of the pool and deck was domestic lawn grass.

(i) There is a fence between the subject property and the neighbor's property closest to the deck and pool screening its vision from that neighbor.

(j) The deck opens to a back door that is somewhat elevated from the ground. If the deck were not there it would be a safety hazard for somebody stepping out of the door as they would likely fall.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the town regulations but nevertheless is warranted due to the peculiar configuration of the Applicants' lot.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for reasons set forth above in paragraph 3.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 1 ft. 6 in. side yard variance to allow existing pool and deck at the above address, in a CL-1 zone, as sought by the Applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 24, 1996.

---

Chairman

(ZBA DISK#13-032995.RFT-DR. A)

Date 2/24/96, 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor Ny 12553

DATE		CLAIMED	ALLOWED
5/13/16	Zoning Board Mtg	75.00	
	Misc - 2		
	Cuttica - 4		
	Paz - 7		
	Devitt - 5		
	Monaco - 16		
	Lombardi - 4		
	<del>Buras - 3</del> 13.50	184.50	
	41	259.50	

BURNS, JOANN & MICHAEL

MR. NUGENT: Request for 1 ft. 6 in. side yard variance for existing pool deck at 104 Creamery Drive in a CL-1 zone.

Mr. and Mrs. Michael Burns appeared before the board.

MR. NUGENT: Let the record show that there is nobody in attendance from the audience.

MR. TORLEY: How many letters did you have to send out?

MS. BARNHART: 60, we sent 60 letters out.

MR. NUGENT: Go ahead.

MR. TORLEY: For the record, you have to tell us your story again.

MRS. BURNS: we have a pool deck and there is a section of it that is doesn't have adequate--

MR. BURNS: --clearance with the property line.

MR. KRIEGER: It's too close to the property line to the side, to the rear.

MRS. BURNS: It's a corner of it.

MR. TORLEY: That follows the line, deck follows the line of the house but the property line angles?

MRS. BURNS: Exactly.

MR. TORLEY: And it would be financially burdensome to change that?

MRS. BURNS: Exactly.

MR. KANE: Other homes in your neighborhood have similar type decks and setups?

MRS. BURNS: Yes.

MR. KRIEGER: Neighborhood of one family homes?

MRS. BURNS: Yes.

MR. KRIEGER: Have you received any complaints from any neighbors about it?

MR. BURNS: No.

MR. KRIEGER: From anybody?

MR. BURNS: No.

MR. KRIEGER: Does it interfere with any ground or surface water or course of drainage?

MR. BURNS: No.

MR. KRIEGER: Over the top of any sewer or septic systems?

MR. BURNS: No.

MR. KRIEGER: How long has the deck been in existence?

MRS. BURNS: A year.

MR. KRIEGER: Before it was put up, what kind of vegetation was there?

MR. BURNS: Grass.

MR. TORLEY: Domestic lawn grass?

MR. BURNS: Yes.

MR. KRIEGER: How much side yard is it?

MR. NUGENT: Seventeen foot six inches.

MR. TORLEY: Would you not consider this a large variance request?

MR. BURNS: No.

MR. KRIEGER: There's a fence between you and your property and the neighbor's property where the deck is?

MR. BURNS: Yes.

MR. TORLEY: Would you entertain a motion?

MR. NUGENT: Yes, I will.

MR. KRIEGER: The back door that enters on to the deck is somewhat elevated from the ground, correct?

MR. BURNS: Yes.

MR. KRIEGER: If the deck weren't there, it would be a safety hazard somebody stepping out the door would be too big a step for a normal person?

MR. BURNS: Yes.

MR. TORLEY: I move we grant Michael and Joann Burns request for one foot six inches side yard variance for the existing pool deck.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: I move we adjourn.

MR. LANGANKE: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. REIS	AYE

*Prelim.*  
*Apr. 8, 1996.*  
*#96-107*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MARCH 18, 1996

APPLICANT: MICHAEL BURNS  
104 CREAMERY DRIVE  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MARCH 18, 1996

FOR (BUILDING PERMIT): FOR EXISTING POOL DECK

LOCATED AT: 104 CREAMERY DRIVE

ZONE: CL

DESCRIPTION OF EXISTING SITE: SECTION: 80, BLOCK: 2, LOT: 7  
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET-BACK FOR EXISTING ATTACHED POOL DECK.

*Frank Sui*  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: CL-1 USE F		
REQ'D SIDE YD	12 FT.	10FT. 6 IN.
		1 FT. 6 IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



(2)

**IMPORTANT**  
**REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE**

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises MICHAEL J & JOANNE E BURNS

Address 104 CREAMERY DRIVE Phone 914 562-1869

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer.



(Name and title of corporate officer)

- BP# 7135
1. On what street is property located? On the NORTH side of CREEPERY DRIVE  
(N.S.E. or W.)  
and ..... feet from the intersection of .....
2. Zone or use district in which premises are situated RESIDENTIAL CL-1 Is property a flood zone? Yes No
3. Tax Map description of property: Section 80 Block 2 Lot 7
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy RESIDENTIAL b. Intended use and occupancy RESIDENTIAL
5. Nature of work (check which applicable): New Building Removal Demolition Other Addition Alteration Repair  
EXISTING 40' x 21' WOOD POOL DECK
6. Size of lot: Front Rear ..... Depth ..... Front Yard ..... Rear Yard ..... Side Yard .....  
Is this a corner lot? NO
7. Dimensions of entire new construction: Front ..... Rear ..... Depth ..... Height ..... Number of stories .....
8. If dwelling, number of dwelling units ..... Number of dwelling units on each floor .....  
Number of bedrooms ..... Baths ..... Toilets .....  
Heating Plant: Gas ..... Oil ..... Electric/Hot Air ..... Hot Water .....  
If Garage, number of cars .....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use .....
10. Estimated cost \$2550 Fee \$50  
(to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Office Of Building Inspector

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TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
Approved.....19.....  
Disapproved a/c.....  
Permit No. ....

Office Of Building Inspector  
Michael L. Babcock  
Town Hall, 555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

Refer —

Planning Board.....  
Highway.....  
Sewer.....  
Water.....  
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

.....*Michael L. Babcock*.....  
(Signature of Applicant)

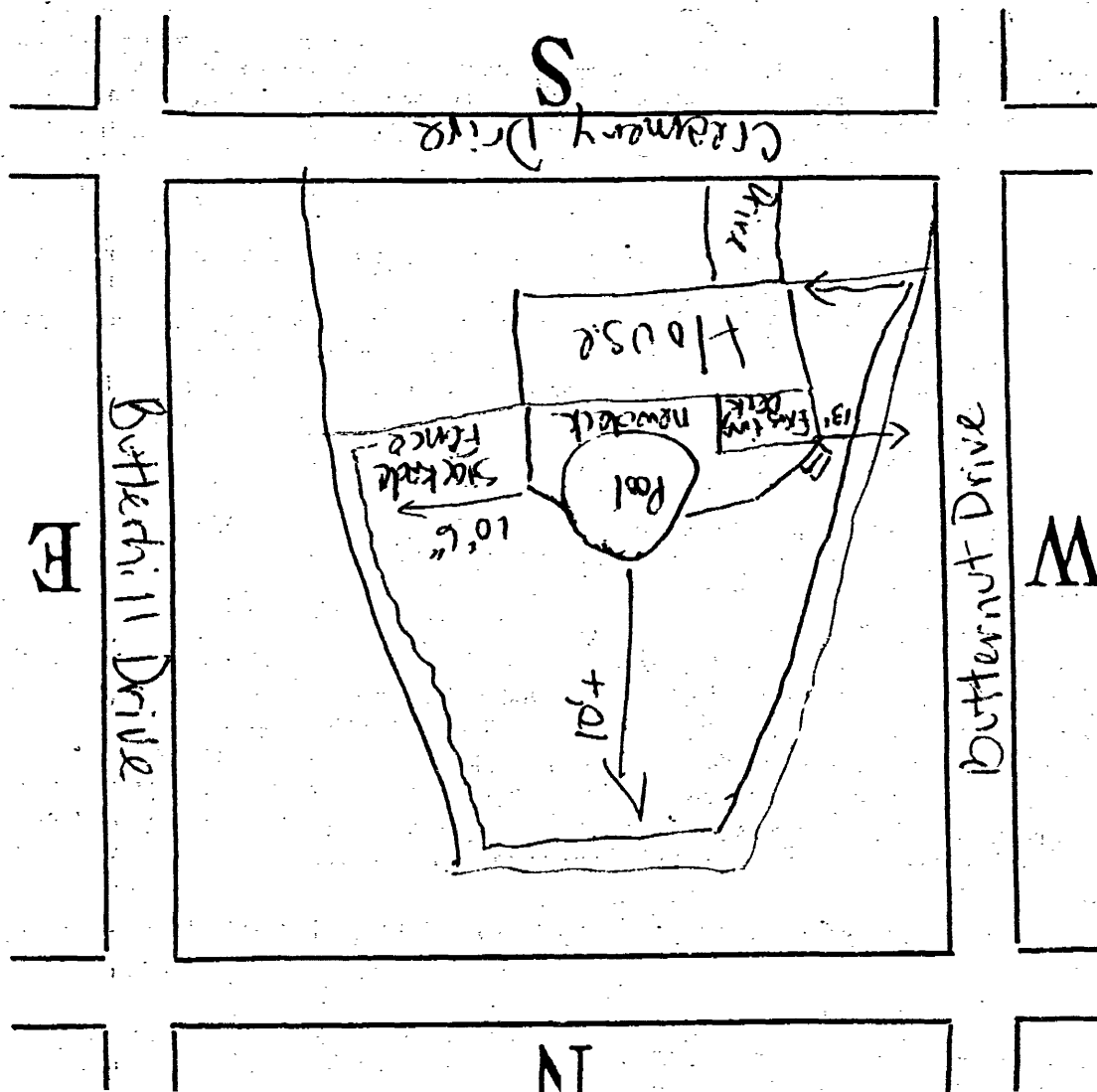
.....104 CREAMERY DRIVE.....  
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.

OTHER INSTRUCTIONS WILL BE MADE IN MOST CASES. DIFF. TIME LISTED BELOW MUST BE MADE ON



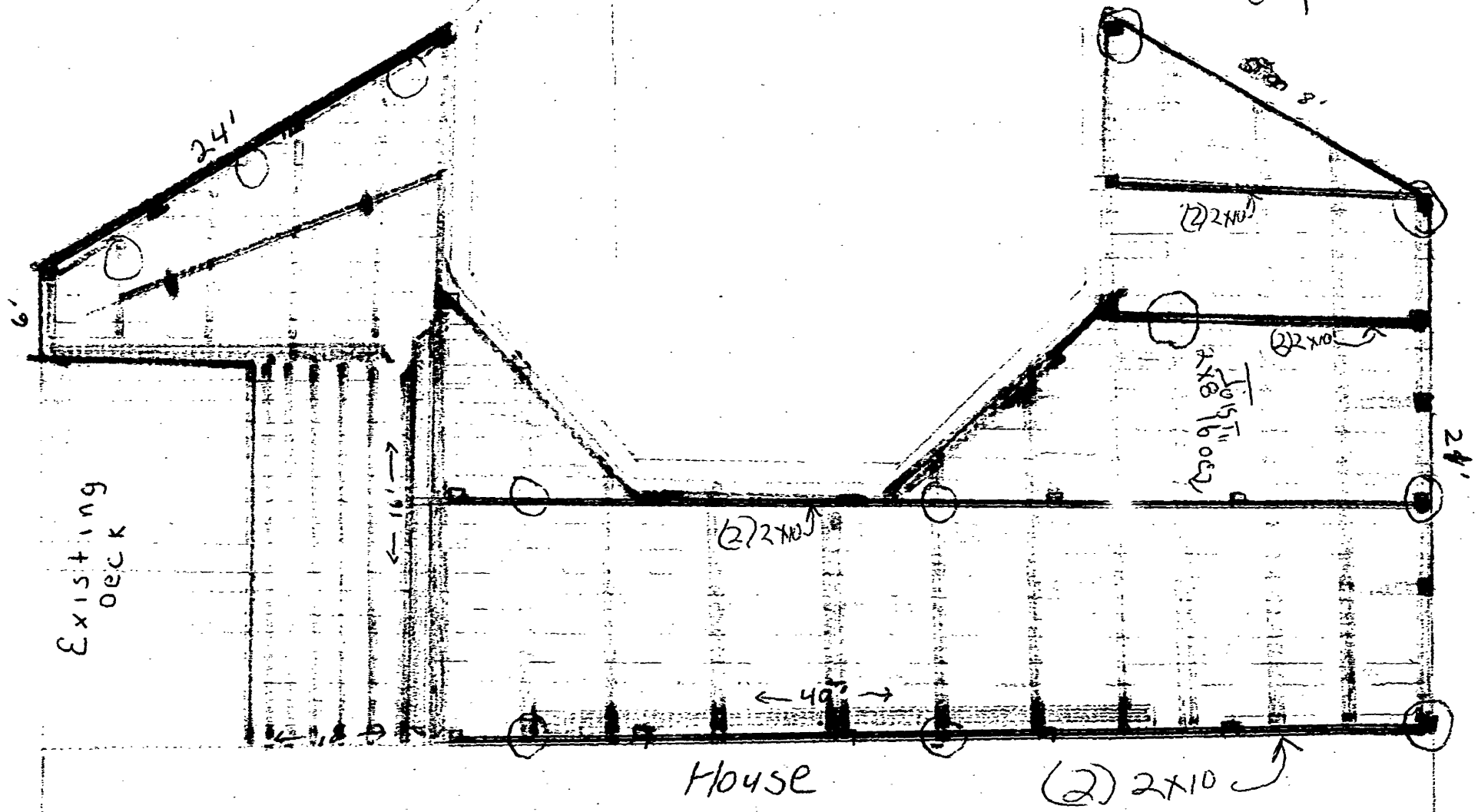
**Burns, Michael & Joanne  
104 Creamery Drive**

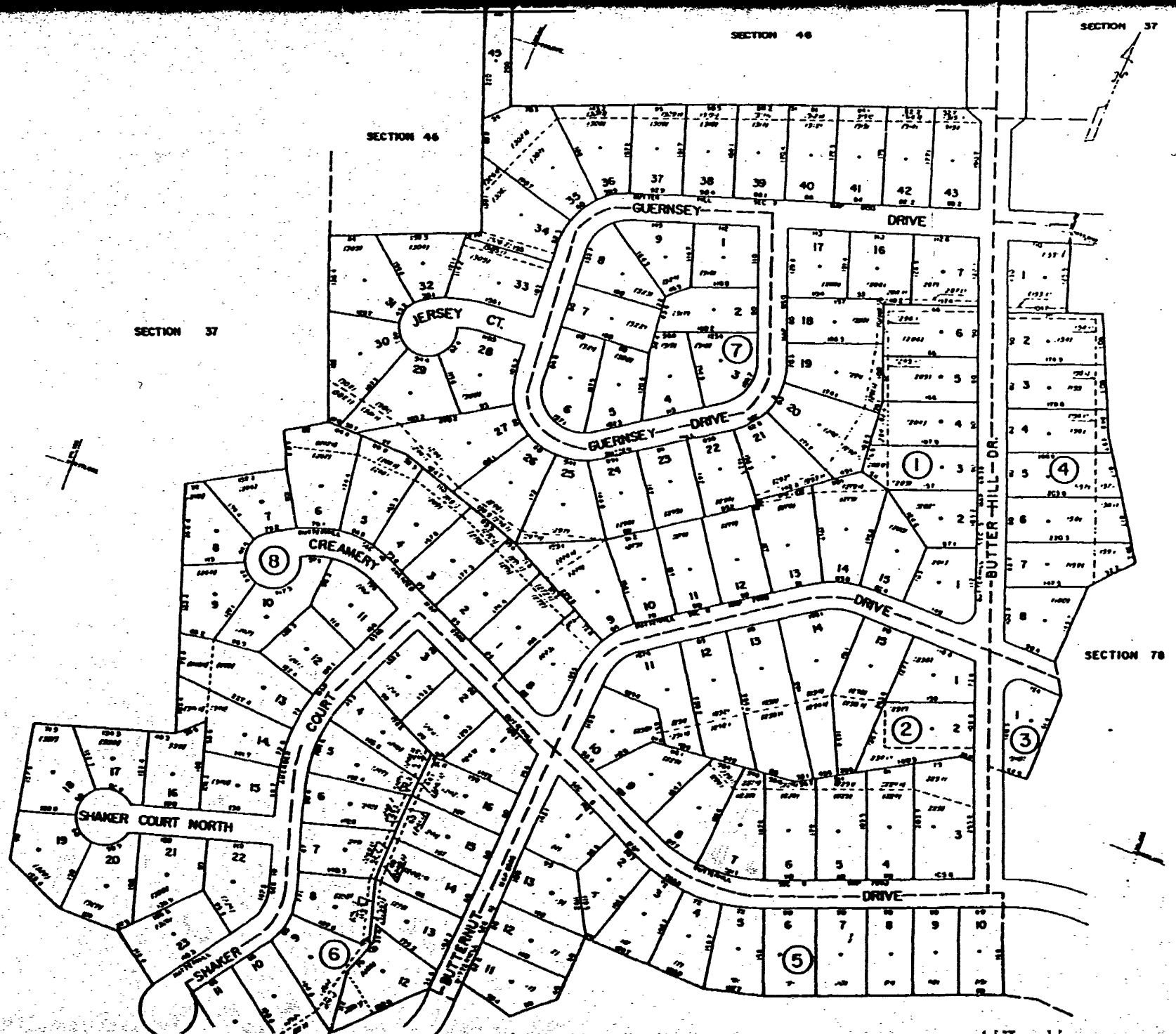
- Framing consists of double 2x8 floor joists, 4x4 posts in minimum of 3 feet of concrete in 12" sonotube cones, off house with 2x6 every 16" on center**
- Flooring 2x6**
- Railing spacing 5" on lower deck and 2" on upper deck**
- Stairs risers 7"**
- Self locking gate with latch as well as locked fence gates surrounding the property where pool and deck are located**

**If you need any further information please contact us at 562-1969. Thank you.**

*Handwritten:*  
SPOKE TO MRS BURNS 3-18-96 HAS BUILT  
Deck ALREADY - NO INSPECTIONS (DID NOT WANT)  
our office will call when B.P. IS READY  
TO WAIT

2x6 P/T  
 6" apart 4x4 P/T  
 1x6 P/T  
 5" apart 2x2 P/T  
 2x4 P/T  
 O post





ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Michael Burns

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#96-17.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On April 16, 1996, I compared the 60 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
17<sup>th</sup> day of April, 1996.

Dubach Green  
Notary Public

**DEBORAH GREEN**  
**Notary Public, State of New York**  
**Qualified in Orange County**  
**# 4984065**  
**Commission Expires July 15, 1997**

(TA DOCDISK#7-030586.AOS)



Date 4/19/96, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr. DR.  
New Windsor NY 12553

DATE			CLAIMED		ALLOWED	
4/8/96		Zoning Board Mtg.	75	00		
		MISC - 1				
		Dellums - 13				
		Petronella - 3				
		Burns - 2 9.00.				
		Cicis - 3				
		UGR - 18				
		T+H - 3				
		Nasta - 3	207	00		
		<u>46 pp</u>	<u>282</u>	<u>00</u>		

April 8, 1996

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BURNS, MICHAEL

Mr. and Mrs. Michael Burns appeared before the board for this proposal.

MR. NUGENT: Request for 1 ft. 6 in. side yard variance for existing pool deck at 104 Cremery Drive in a CL-1 zone.

MR. BURNS: We're short I guess we're short a foot six inches from one of the property lines.

MR. NUGENT: What do you want to do?

MR. BURNS: Deck around the pool.

MR. KANE: What side of Cremery is this? The older section?

MRS. BURNS: Section 8.

MR. KRIEGER: Looks like the way it's written up the deck's already there.

MR. BURNS: Yes, it is.

MR. KRIEGER: Just a question of getting approval.

MRS. BURNS: And I brought pictures.

MR. NUGENT: If you want to pass them around, you can.

MR. REIS: How long has this been here?

MR. BURNS: Just not even a year.

MR. NUGENT: Is the deck attached to the house?

MR. BURNS: Yes, added on to the existing deck, just increase the size.

MR. REIS: What possessed you to come to the board?

MR. BURNS: We have been trying to get a permit since last year, we kept submitting papers and every time we

April 8, 1996

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requested things and haven't gotten it since last year so we started again this spring with it, just trying to get it going again and Frank Lisi told us it would be ready in a day or two, called him up to verify that it was ready to be picked up, we were told that it was denied for a foot and a half short and we were denied and we had to go for a variance.

MR. TORLEY: I move that we grant Michael Burns request for public hearing.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: When you come in, if you would address yourself to the five criteria set forth on that list, those are the criteria which the state has determined the board must decide and I would like to look at your deed and title policy. Again, I don't need to keep them, just bring them in.

MR. BURNS: Great, thank you.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

April 1, 1996

Michael & Joanne Burns  
104 Creamery Drive  
New Windsor, N. Y. 12553

RE: Tax Parcel: 80-2-7

Dear Mr. and Mrs. Burns:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00. Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK  
Sole Assessor

/pab  
Attachment

cc: Pat Barnhart, ZBA

Jeune, Kenneth Louis &  
Madeline Monroig  
215 Butterhill Drive  
New Windsor, N. Y. 12553

Mullin, Maureen & Scheck, Alan D.  
213 Butterhill Drive  
New Windsor, N. Y. 12553

Wandell, Anthony  
338 Butternut Drive  
New Windsor, N. Y. 12553

Hoey, Stephen & Gail  
336 Butternut Drive  
New Windsor, N. Y. 12553

Tannenbaum, Farrell & Heidi  
334 Butternut Drive  
New Windsor, N. Y. 12553

Bradley, Joan F.  
332 Butternut Drive  
New Windsor, N. Y. 12553

Bell, Michael A. & Nancy R.  
330 Butternut Drive  
New Windsor, N. Y. 12553

Sanchez, Anthony & Venus  
328 Butternut Drive  
New Windsor, N. Y. 12553

Maria S. Defazio  
Gail E. Steinheimer  
326 Butternut Drive  
New Windsor, N. Y. 12553

Dicocco, Luigi A. & Linda  
90 Guernsey Drive  
New Windsor, N. Y. 12553

Barton, Albert K., Jr. & Janet A.  
88 Guernsey Drive  
New Windsor, N. Y. 12553

Barth, John C. & Pamela K.  
86 Guernsey Drive  
New Windsor, N. Y. 12553

Jurick, Robert F. & Rose M.  
84 Guernsey Drive  
New Windsor, N. Y. 12553

Motard, Roland & Leslie  
82 Guernsey Drive  
New Windsor, N. Y. 12553

Hillringhouse, Peter & Sharon  
217 Butterhill Drive  
New Windsor, N. Y. 12553

Chiavaro, Peter A. & Ellen J.  
219 Butterhill Drive  
New Windsor, N. Y. 12553

Donaldson, Robert W. & Angela  
221 Butterhill Drive  
New Windsor, N. Y. 12553

Hernandez, Philip & Irene  
98 Creamery Drive  
New Windsor, N. Y. 12553

Bohr, Gerald M., Jr. & Rose Marie  
100 Creamery Drive  
New Windsor, N. Y. 12553

Dong, Jonathan & Hanna E.  
102 Creamery Drive  
New Windsor, N. Y. 12553

Puleo, Frank & Gayann  
106 Creamery Drive  
New Windsor, N. Y. 12553

Olivo, Joseph T. & Cynthia L. Weiss  
108 Creamery Drive  
New Windsor, N. Y. 12553

Feinstein, Joel & Gloria  
335 Butternut Drive  
New Windsor, N. Y. 12553

Moore, Charles A. & Raelynn E.  
333 Butternut Drive  
New Windsor, N. Y. 12553

Keber, Richard H. & Carol  
331 Butternut Drive  
New Windsor, N. Y. 12553

Wood, Craig & Patricia  
329 Butternut Drive  
New Windsor, N. Y. 12553

Scott, John A. & Margaret J.  
327 Butternut Drive  
New Windsor, N. Y. 12553

Addo, Joseph M. & Audrey L.  
325 Butternut Drive  
New Windsor, N. Y. 12553

Decker, Paul C. & Serrano, Luann  
323 Butternut Drive  
New Windsor, N. Y. 12553

Bigi, Donald & Donna J.  
216 Butterhill Drive  
New Windsor, N. Y. 12553

Cantori, Denis & Mary  
Prel Gardens - Apt. 5-E  
Orangeburg, N. Y. 10962

Casey, John L. & GERALYN M.  
111 Creamery Drive  
New Windsor, N. Y. 12553

Hubbard, M. A. & James T.  
109 Creamery Drive  
New Windsor, N.Y. 12553

Niforopulos, Carmen  
107 Creamery Drive  
New Windsor, N. Y. 12553

Ryan, Kieran D.  
105 Creamery Drive  
New Windsor, N. Y. 12553

Saavedra, M.E. & Jones, Fred A.  
103 Creamery Drive  
New Windsor, N. Y. 12553

Brouard, Thomas C. & Donna C.  
101 Creamery Drive  
New Windsor, N. Y. 12553

Cuadra, Roberto A. & Angelita  
99 Creamery Drive  
New Windsor, N.Y. 12553

Perk, William J. & Donna C.  
97 Creamery Drive  
New Windsor, N. Y. 12553

Rodriguez, Miguel & Frances  
95 Creamery Drive  
New Windsor, N. Y. 12553

Kopman, Robert & Jamene  
345 Butternut Drive  
New Windsor, N.Y. 12553

Leight, John V. & Susan G.  
343 Butternut Drive  
New Windsor, N. Y. 12553

Ubriaco, Michael J. & Kathleen  
341 Butternut Drive  
New Windsor, N. Y. 12553

Quinn, F.E. & Shannon, Nancy  
342 Butternut Drive  
New Windsor, N. Y. 12553

Fara, Robert J. & Christine M.  
117 Creamery Drive  
New Windsor, N. Y. 12553

Cleaves, James A., Jr. & Linda  
352 Butternut Drive  
New Windsor, N. Y. 12553

Morfe, Michael E. & Carmen P.  
350 Butternut Drive  
New Windsor, N. Y. 12553

Herlihy, Dennis & Mayer, Susan  
348 Butternut Drive  
New Windsor, N. Y. 12553

Cazzolla, Keith & Karen  
346 Butternut Drive  
New Windsor, N. Y. 12553

Lubarsky, Donald & Joann  
344 Butternut Drive  
New Windsor, N. Y. 12553

Maiello, Joseph, Jr. & Bonnie  
116 Creamery Drive  
New Windsor, N. Y. 12553

Dietz, James  
220 Butterhill Drive  
New Windsor, N. Y. 12553

D'Allacco, Donna  
78 Creamery Drive  
New Windsor, N. Y. 12553

Principato, David & Cathy Ann  
321 Butternut Drive  
New Windsor, N. Y. 12553

Gould, Kenneth G. & Georgia F.  
93 Creamery Drive  
New Windsor, N. Y. 12553

Lafayette Paper LP  
754 Forge Hill Road  
New Windsor, N. Y. 12553

Town of New Windsor  
555 Union Avenue  
New Windsor, N. Y. 12553

Pls. publish on or before Apr. 25th. Send bill to below Applicant.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 17

Request of Michael Burns

for a VARIANCE of the Zoning Local Law to permit:

existing pool deck w/ insufficient side yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk  
Reqs. - Col. F.

for property situated as follows:

104 Creamery Drive, New Windsor, N.Y.

known as tax lot Section 80 Block 2 Lot 7.

SAID HEARING will take place on the 13<sup>th</sup> day of May,  
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.

SECTION 12 BLACK / LOT 34

PRINT OR TYPE: BLACK INK ONLY

Modular Development Co Inc.

TO

Michael Ruelas and Tonino Ruelas

**RECORD AND RETURN TO:**  
(Name and Address)

ATTACH THIS SHEET TO THE FIRST  
PAGE OF EACH RECORDED INSTRUMENT  
ONLY.

William Sands      GSA  
Roth of the  
TALLMAN      N.Y.      1992

**DO NOT WRITE BELOW THIS LINE**

CONTROL NO. 057070 DATE \_\_\_\_\_ AFFIDAVIT FILED \_\_\_\_\_ 19\_\_\_\_  
INSTRUMENT TYPE: DEED ☒ MORTGAGE \_\_\_\_\_ SATISFACTION \_\_\_\_\_ ASSIGNMENT \_\_\_\_\_ OTHER \_\_\_\_\_

BG20 Blooming Grove  
 C122 Chester  
 C124 Cornwall  
 CR26 Crawford  
 DF28 Deepfork  
 GO30 Goshen  
 GR32 Greenville  
 HA34 Hamptonburgh  
 HJ38 Hugoburn  
 MK38 Minisink  
 ME40 Monroe  
 MY42 Montgomery  
 NH44 Mount Hope  
 NH48 Newburgh (T)  
 NY48 New Windsor  
 TU50 Tuxedo  
 WL52 Walkill  
 WR54 Warwick  
 WA56 Wawayanda  
 WO58 Woodbury  
 MT09 Middletown  
 FC11 Newburgh  
 PJ13 Port Jervis  
 9999 Hold

**SERIAL NO.**

**Northrup Aircraft 2**

Expected Yes \_\_\_\_\_ No \_\_\_\_\_

Received Tax on above Mortgage

Basic 8

MTA. S

Spec. Add. 8 \_\_\_\_\_

**TOTAL \$** \_\_\_\_\_

**MATTHEW S. MURPHY**  
Orange County Clerk

by:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 26<sup>th</sup> day of May 1987 at 10:45  
O'Clock At A. in Lib. 2718  
Deane at page 144 and examined.

Merion S. Murphy  
County Clerk

CHARGE /

## MORTGAGE TAX

**REFUNDING TAX**

## RECORD FILE

## REPORT FORM

**RENT CARDS**

RECEIVED

RECEIVED  
568.00  
REAL ESTATE  
MAY - 6 1987  
TRANSFER TAX  
ORANGE COUNTY

2718 n. 144



A 801

Reads ALAP. Don't say  
 "I am a notary" and "I am a notary" and "I am a notary"

5165-200-41

GRAND HALLMARK, INC. - LAW OFFICE PUBLISHED  
 IN COMPLIANCE WITH THE RULES OF THE NEW YORK STATE BAR

CONSENT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INSTRUMENT, made the 14 day of May, 1986, between and Eighty-seven

**MOODNA DEVELOPMENT CO., INC.**, a New York corporation, having its principal place of business located at No. 31 Sweet Briar Road, Stamford, CT 06903,

party of the first part, and

**MICHAEL J. BURNS AND JOANNE E. BURNS**, his wife, both residing at 151 South Highland Avenue, Apartment 6F, Ossining, New York 10562,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN

(\$10.00) dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the first part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situated, lying and being in the

Town of New Windsor, Orange County, New York, being more particularly described as Lot 227 and 227.1 as shown on a map entitled "Final Subdivision Plan, Section 8, Butter Hill" and filed in the Orange County Clerk's Office on October 9, 1986 as Map No. 7886, and more particularly described on the attached Schedule "A".

TOGETHER WITH A RIGHT-OF-WAY over those portions of Greenery Drive and Butternut Drive shown on the above-noted map.

BEING a portion of the premises described in that certain deed dated the 21st day of October, 1986 from **GEORGE R. KRON, JR. AND DONALD T. KRON** to **MOODNA DEVELOPMENT CO., INC.**, which deed was recorded in the Orange County Clerk's Office on the 9th day of December, 1986 in Liber 2621 of Deeds at page 36.

SUBJECT to covenants, easements and restrictions of record, if any, and any notes on the filed map.

This deed is given in the usual course of corporate business of the party of the first part and does not exhaust or substantially deplete the assets of the corporation.

2718 145

TIT  
 368-

80-2-7

CERT. COPIES  
 270

All that certain place or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, known as Lot No. 227 and Open Space Parcel No. 227.1, as shown on a map entitled "Butter Hill-Section B", said map having been filed in the Orange County Clerk's Office on 9 October 1984 as Map No. 7880, being more particularly described as follows:

Lot 227

BEGINNING at a point in the northerly line of Creamery Drive where said line is intersected by the division line between Lot No. 227 and Lot No. 228, running thence, the following courses:

1. Along said line, N 16° 31' 32" E, 145.74' to a point;
2. Along the division line between Lot No. 227 and Open Space Parcel No. 227.1, N 00° 20' 00" E, 52.63' to a point;
3. Along the division line between Lot No. 226 and Lot No. 227, S 9° 40' 00" E, 150.00' to a point in the northerly line of Creamery Drive;

4. Along said line, on a curve to the right having a radius of 265.00' an arc length of 121.14' the point or place of BEGINNING.

CONTAINING 13,235 square feet, 0.30 Acres of land, more or less.

Open Space Parcel No. 227.1

BEGINNING at a point in the division line between Lot No. 227 and Lot No. 228, said point being N 16° 31' 32" E, 145.74' as measured along said line from its intersection with the northerly line of Creamery Drive, running thence, the following courses:

1. Along the division line between Open Space Parcel 227.1 and Open Space Parcel No. 228.1, N 16° 31' 32" E, 43.83' to a point;
2. Along the division line between the Open Space Parcel herein described and Open Space Parcel No. 232.1, S 03° 41' 51" E, 34.62' to a point;
3. Along the division line between Open Space Parcel No. 236.1 and the Open Space Parcel herein described, S 9° 40' 00" E, 29.81' to a point;
4. Along the division line between Open Space Parcel No. 227.1 and Lot No. 227, S 00° 20' 00" W, 52.63' to the point or place of BEGINNING.

CONTAINING 1,531 square feet or 0.04 Acres of land, more or less.

SUBJECT to a ten (10) foot wide utility easement along the northerly line of the Open Space Parcel herein described.

ENCLOSURE

2718 n 146

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the extent then allowed,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Limit Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it said "parties" whenever the sense of this instrument so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In witness whereof:

MOJIMA DEVELOPMENT CO., INC.



*[Signature]*  
BY: GERRIT V. LYDECKER, President

2718 PC 147

STATE OF NEW YORK, COUNTY OF

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

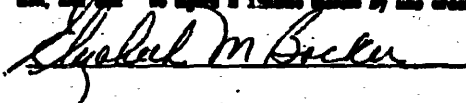
STATE OF NEW YORK, COUNTY OF

On the 7th day of May 1987, before me personally came Gerrit V. Lydecker to me known, who, being by me duly sworn, did depose and say that he resides at No. 33 Sweet Briar Road, Stamford, CT 06905 that he is the President of MODNA DEVELOPMENT CO., INC.

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. that he knows

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed it in accordance with the order.

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed it as witness therein.



ELIZABETH M. BACKER  
NOTARY PUBLIC, State of New York  
Qualified in Orange County  
Reg. No. 4903868  
Commission Expires March 30, 1989

Mergers and Sales Book  
When Covered Account Covered's Act  
Title No. 87 BE 26041  
MODNA DEVELOPMENT CO., INC.

TO  
MICHAEL BURNS AND JOANNE BURNS

SECTION 57  
BLOCK 1  
LOT 00.1  
COUNTY OR TOWN Orange

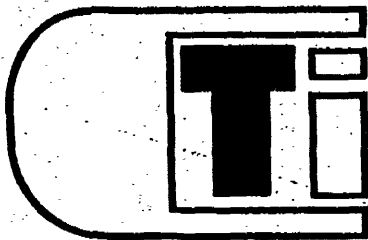
RETURN BY MAIL TO:

WILLIAM SANDS, ESQ.  
P.O. Box 96  
Tallman, New York 10962

By Me.

Reserve this space for use of Recording Office

2718 148



176 MAIN STREET • GOSHEN, NEW YORK 10924 (914) 294-5428

**ABSTRACT  
CORP.**

June 5, 1987

William Sands, Esq.  
P.O. Box 96  
Tallman, New York 10982

RE: Title No. 87BE260441  
Moodna to Burns

Enclosed herewith is the Fee ~~and/or Mortgage~~ policy  
for the above captioned title.

If there are any questions, feel free to contact us.

Very truly yours,

mac 3

# Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS  
RICHMOND, VIRGINIA

## POLICY OF TITLE INSURANCE SCHEDULE A

AMOUNT  
\$ 141,900.00

DATE OF ISSUE  
May 8, 1987

### NAME OF INSURED

MICHAEL J. BURNS and JOANNE E. BURNS, his wife

The estate or interest insured by this policy is a fee simple  
vested in the insured by means of deed made by Moodna Development Co., Inc., a New York  
corporation, to the Insured, dated May 7, 1987 and duly recorded in the Orange  
County Clerk's Office.

The premises in which the insured has the estate or interest covered by this policy

SEE DESCRIPTION ANNEXED

Countersigned:

*Donald W. Muncy*  
Authorized Officer or Agent

Issued at GOSHEN, NEW YORK  
87BE260441

Page 1 of Sched. A - Pol. No. 47-00-038150

# Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS — RICHMOND, VIRGINIA

## POLICY OF TITLE INSURANCE

### SCHEDULE B

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any non-compliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to by or with the privity of the insured.
5. Title to any property beyond the lines of the premises or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Mortgage made by the Insured to First Nationwide Bank, A Federal Savings Bank, in the principal sum of \$105,000.00, dated May 8, 1987, recorded May 26, 1987 in Liber 2675 mp. 236.
8. Survey made by Elias D. Grevas, dated April 2, 1987, shows the following: 1) dwelling with attached deck and attached covered porch; 2) driveway serving premises from Creamery Drive; 3) 10' wide utility easement running within northerly line of "open space" portion of premises.
9. Rights, if any, in favor of any electric, light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which the premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith except as may be shown herein.
10. Unrecorded underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain and repair the same.
11. Filed Map No. 7880 shows the following: 1) 40 foot minimum front yard; 2) 12 foot minimum side yard; 3) 40 foot minimum rear yard; 4) 10 foot of a 20 foot utility easement located within the northerly lot line.
13. Grants in Liber 1611 cp. 249, Liber 1611 cp. 242 and Liber 2081 cp. 272. Policy insures said grants will not interfere with the use of the dwelling.
14. Sewer Easements in Liber 1967 cp. 1122, Liber 1991 cp. 1005 and Liber 2093 cp. 221. Policy insures said easements will not interfere with the use of the dwelling.

# ENDORSEMENT

87BE260441

CODE NAME

31-19

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS  
RICHMOND, VIRGINIA

NUMBER

EC 488619

Attached to and made a part of Lawyers Title Insurance Corporation Policy

No. 47-00-038150

Name(s) of Insured Homeowner(s) MICHAEL J. BURNS and JOANNE E. BURNS, his wife

## Owner's Statement of Coverage:

In consideration of the payment of the additional premium for the issuance of this Rider to the Basic Policy, the company insures the named homeowner against loss or damage not exceeding the market value of the premises at the time of loss, in accordance with the conditions of the Basic Policy, not inconsistent with the provisions of this Rider, and subject to the matters excepted from coverage in Schedule B.

## Definitions:

- The Basic Policy is the policy issued to the named insured herein in the amount of the original purchase price paid for the insured premises, and is identified as N.Y.B.T.U. Form No. 100D or 100E.
- A homeowner is a natural person, fee owner and resident of a one to four family dwelling, a residential condominium unit, or a residential co-operative leasehold interest. The benefits of this Rider shall be available only to the named insured provided he is a homeowner as defined herein at the date of the issuance of this Rider and at the date any claim under this Rider is made.
- Market value at time of loss shall be such value of the insured premises as is established in accordance with the procedures for valuation set forth in paragraph 5 (b) (3) of the Basic Policy. Such valuation shall be determined as of the time that Notice of Claim is given to the company pursuant to the Basic Policy, minus the market value of any improvements made to the premises subsequent to the date of the Basic Policy. The valuation procedures set forth in paragraph 5 (b) (3) of the Basic Policy shall also apply in the event the insured premises is a residential cooperative leasehold interest.

## Conditions:

- Paragraph 6 of the Basic Policy is hereby amended to delete subdivisions (b) and (c). The first and second paragraphs of subdivision (a) are hereby deleted and the following paragraph is substituted in place thereof:  
In the event that a partial loss occurs after the insured makes an improvement to the insured premises subsequent to the date of this Rider, the valuation of such partial loss shall be determined in relationship to the market value of the premises at the time of such partial loss, minus the market value of such improvements made to the insured premises subsequent to the date of this Rider.
- Notwithstanding anything herein to the contrary, in the event of a loss, partial or total, the insured shall have the option to elect to value such loss under the terms of this Rider or under the terms and amount of the Basic Policy.
- All other provisions of the Basic Policy, not inconsistent with the provisions of this Rider, shall remain in full force and effect.
- This Rider and the Basic Policy is the entire contract between the named insured and the Company.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the

8th day of May, 19 87 to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at GOSHEN, NEW YORK

COUNTERSIGNED:

[Signature]  
Authorized Officer or Agent

Premium			
Misc. Charges			
Insurance			
Date Entered			



TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

15408

March 27, 1996

Received of Joanne Burns \$ 25<sup>00</sup>/<sub>100</sub>  
Twenty-five and 00/100 DOLLARS

For Deposit / Variance List

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Chk # 2613</u>		<u>25<sup>00</sup>/<sub>100</sub></u>

By

Dorothy H. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

15419

April 3, 1996

Received of Joanne Burns \$ 50<sup>00</sup>  
Fifty 00/100 DOLLARS

For Balance Ass. Var. List

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Ch</u>		

By

Dorothy H. Hansen

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 96-17

Date: 4/8/96

I. ✓ Applicant Information:

- (a) Michael J. & Joanne E. Burns 104 Creamery Drive New Windsor, NY 12553  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

( ) Use Variance

( ) Sign Variance

(X) Area Variance

( ) Interpretation

III. ✓ Property Information:

- (a) CL-1 104 Creamery Drive New Windsor 86 27 .53  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 5/8/87
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

N/A  
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application. N/A

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>12 ft.</u>	<u>10 ft. 6 in.</u>	<u>1 ft. 6 in.</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

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(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) *N/A* Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

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(c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

IX. ✓ Attachments required:

- (a) Public Hearing date: \_\_\_\_\_

(b) Variance: Granted (\_\_\_) Denied (\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

(OPEN SPACE  
PARCEL 232.1)

(OPEN SPACE  
PARCEL 228.1)

(OPEN SPACE  
PARCEL 226.1)

583°41'51"E  
53.84'

10' WIDE  
UTILITY EMBANK  
OPEN SPACE  
PARCEL 227.1  
1,531 ± S.F.  
0.04 ± AC.

N80°20'00"E 52.63'

LOT NO. 227  
13,235 ± S.F.  
0.30 ± AC.

59°40'00"E

(LOT 228)

(LOT 226)

N16°31'32"E

145.67'  
19'  
15.8'  
DECK

CHIMNEY

2 STORY FRAME  
RESIDENCE

COVERED  
PORCH

CONC. STOOD

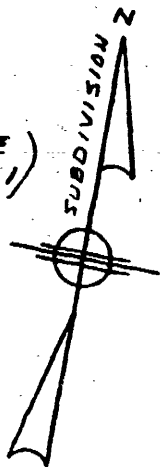
DRIVE

R=265.00'

CREAMERY

L=121.14'

DRIVE



CERTIFICATION

I hereby certify to  
America Realty Cre  
Lawyers Title Insur  
an actual field su  
March 1987 perform  
adopted by the N.Y  
Inc., and is, to th

## **ZONING BOARD OF APPEALS**

**Regular Session**

**April 8, 1996**

### **AGENDA:**

**7:30 P.M. - ROLL CALL**

**Motion to accept minutes of 3/11/96 and 3/25/96 as written, if available**

**Discussion: Application of Nellums, et al. .**

### **PRELIMINARY-MEETINGS:**

1. **PETRONELLA, FRANK** - Request for 5 ft. 5 in. rear yard and 10 ft. road frontage variances to convert single-family residence to two-family in R-3 zone located at 455 Riley Road. Use allowed. (35-1-3.32).
2. **BURNS, MICHAEL** - Request for 1 ft. 6 in. side yard variance for existing pool deck at 104 Creamery Drive in a CL-1 zone. (80-2-7).

### **PUBLIC HEARINGS:**

3. **CICIO, LOUISE (SCHUMACHER)** - Request for 20 ft. front yard and 15 ft. side yard for attached garage addition, plus 40 ft. rear yard variance for deck at 1425 Route 207 in R-1 zone. (55-1-3).
4. **VGR ASSOCS./GOLUB CORP.** - Request for 6.77 ft.x 11.5 ft. sign variance for facade, plus a variation from Section 48-18H(1)(b)[1] of the Supp. Sign Regs. to allow more than one facade sign on future Price Chopper's Supermarket located in Vails Gate in a C zone. (69-1-6).
5. **T & H REALTY CORP** - Request for 0 x 15 ft. facade sign for China Buffet (formerly Uncle Chu's) located at 280 Route 32 in a C zone. Present: Qiang Ni. (35-1-48).
6. **NASTA, ALBERT** - Request for variation of Section 48-14A(4) of the Supplementary Yard Regulations to allow construction of above-ground pool which will project nearer to the street than the principal building at 10 Hillcrest Drive in an R-4 zone. (59-2-1).

### **FORMAL DECISIONS (1)**

Pat - 563-4630 (o)  
562-7107 (h)